

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Randy S. McNeill

Docket No. 5:13-MJ-1605-1

Petition for Action on Probation

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Randy S. McNeill, who, upon an earlier plea of guilty to Simple Possession of Marijuana, in violation of 21 U.S.C. § 844(a), and Level 4 Driving While Impaired, in violation of 18 U.S.C. 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on March 11, 2014, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 48 hours of community service during the first 60 days of probation and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant submitted urine specimens on March 18 and April 24, 2014, which yielded positive results for marijuana. The defendant admitted being a chronic user of marijuana for many years and using shortly before supervision began. He initially denied re-using marijuana. However, on June 2, 2014, an interpretation letter from Alere Lab confirmed that the defendant re-used marijuana after his March 18 specimen. On June 9, 2014, the defendant reported to the probation office and submitted a urine specimen which yielded positive results for marijuana. He admitted that he smoked marijuana on or about June 1, 2014. In order to more closely monitor the defendant for future drug use and refer him for additional substance abuse treatment if needed, it is respectfully recommended that his conditions of probation be modified to include drug aftercare. As a punitive sanction, it is recommended that his conditions be modified to include two days in jail and DROPS - second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days as arranged by the probation office and shall abide by all rules and regulations of the designated facility.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

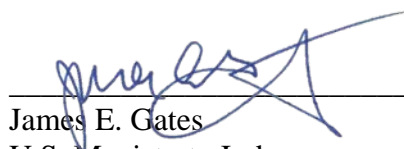
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Debbie W. Starling
Debbie W. Starling
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 10, 2014

ORDER OF COURT

Considered and ordered this 11th day of June, 2014, and ordered filed and made a part of the records in the above case.


James E. Gates
U.S. Magistrate Judge